

Appl. No.: (not yet assigned)

(U.S. National Stage of PCT/JP03/10739)

Preliminary Amdt. Dated February 24, 2005

## AMENDMENTS TO THE CLAIMS:

**This listing of claims will replace all prior versions and listings of claims in this application.**

1. (Currently Amended) A stapler, comprising  
a driver unit ~~having~~ comprising a driver for punching out a staple toward sheets,  
a clincher unit ~~having~~ comprising a clincher base ~~with~~ comprising a clincher to clinch leg  
~~portion~~ portions of the staple passing through the sheets, the driver unit being vertically  
separated from the clincher unit, wherein  
the clincher base is vertically reciprocably disposed, and  
the sheets inserted between the clincher base and the driver unit ~~is~~ are clamped between  
the clincher base and the driver unit when the clincher base is reciprocated,  
the stapler further comprising a first driving motor provided for the driver unit to operate  
the driver, and  
a second driving motor provided for the clincher unit to reciprocate the clincher base and  
~~operating to operate~~ the clincher.

2. (Original) The stapler set forth in claim 1, wherein the second driving motor is driven to reciprocate the clincher base and make the clincher base clamp the sheets, and then the second driving motor is stopped;

thereafter the first driving motor is driven to make the driver operate and drive out the staple toward the sheets, and then the first driving motor is stopped;

thereafter the second driving motor is driven to make the clincher operate and clinch the leg portions of the staple having passed the sheets, the clincher base is returned, and then the second driving motor is stopped; and

after the clinching operation is terminated, the first driving motor is driven to return the driver to an initial position, and then the first driving motor is stopped.

3. (Currently Amended) The stapler set forth in claim 1 ~~or 2~~, wherein the clincher unit is disposed above the driver unit, the clincher unit ~~is descended~~ moves downwardly, and the sheets placed on an upper face of the driver unit ~~is~~ are clamped between the clincher base and the driver unit.

4. (Currently Amended) The stapler set forth in claim 2, which further comprises a drive-out mechanism to drive out the staple when the driver is reciprocated, and

a clincher mechanism for clinching the leg portions of the staple passing through the sheets, and wherein

the drive-out mechanism comprises a first driving shaft to make one reciprocating movement of the driver when the first driving shaft is rotated by one turn by means of the first driving motor;

the clincher mechanism comprises a second driving shaft which makes the clincher base perform one reciprocating movement and operate the clincher according to the rotation of the

second driving shaft when the second driving shaft is made to perform one turn by the second driving motor;

the clincher;

a first encoder for outputting a pulse every time ~~when~~ the first driving shaft turns by a given angle;

a second encoder for outputting a pulse every time ~~when~~ the second driving shaft turns by a given angle; and

a controller for controlling the first and second driving motors based on ~~the~~ a number of pulses outputted from the first and second encoders, respectively.

5. (New) The stapler set forth in claim 2, wherein the clincher unit is disposed above the driver unit, the clincher unit moves downwardly, and the sheets placed on an upper face of the driver unit are clamped between the clincher base and the driver unit.